

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 24, 1997
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:12 p.m. Special presentation was given by Marc Jaffe regarding video coverage during Council meetings. Mayor Golding adjourned the meeting at 4:58 p.m. into Closed Session on Tuesday, November 25, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation matters and property acquisition matters with regard to lease negotiations at Brown Field.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Elder Gardner of the Mormon Battalion Memorial Visitors Center.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding elected officials, task forces created by the Mayor, voters approval of large sums of City funds being spent, funds authorized for water related issues and the stadium, and the suggestion to renew the Stadium Authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-071.)

ITEM-PC-2:

Comment by Sky regarding the fact that the San Diego

Union newspaper would not give him any notice in the paper for running for the U.S. Senate.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-097.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Vargas giving special thanks to the individuals who coordinated the Plymouth Holiday Bowl. He also congratulated the City of Coronado for holding the Holiday Bowl in their City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A098-103.)

ITEM-CC-2:

Comment by Council Member Stallings regarding the Trolley Fest at Qualcomm Stadium. Ms. Stallings stated that there were over 10,000 visitors in attendance. She also gave passes to the people who live in Mission Valley whose lives were disrupted during the construction of the trolley.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A104-177.)

ITEM-CC-3:

Comment by Mayor Golding stating that her ride into work on the Trolley was a great experience. Mayor Golding stated that it was a very quiet and peaceful ride and only wishes that they could have completed the entire system all at one time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A118-135.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/27/97 Adjourned
10/28/97
11/03/97 Adjourned
11/04/97
11/10/97 Special
11/10/97 Adjourned
11/11/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A140-144.)

MOTION BY STEVENS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Postal Employees Month.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-562) ADOPTED AS RESOLUTION R-289466

Commending the United States Postal Employees of the City of San Diego for their dedicated hard work and numerous community contributions;

Proclaiming December 1997 to be "Postal Employees Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A195-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Bill Simmons Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-581) ADOPTED AS RESOLUTION R-289467

Recognizing Bill Simmons for his tremendous service and his never-ending advocacy on behalf of the San Diego Association of Realtors;

Proclaiming Thursday, December 4, 1997 to be "Bill Simmons Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Removal of Architectural Barriers for the Disabled and Walkway on Carmel Mountain Road - Contract 39.

(Districts-1, 2, 3, 4, 5 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-305) ADOPTED AS RESOLUTION R-289468

Inviting bids for the Removal of Architectural Barriers for the Disabled - and Walkway on Carmel Mountain Road - Contract 39 on Work Order No. 112670;

Authorizing a contract with the lowest responsible

bidder;

Authorizing the expenditure of \$50,000 from CDBG Fund No. 18532, Dept. No. 4120, Org. No. 2001,; and \$91,977 from CDBG Fund No. 18533, Dept. No. 4145, Org. No. 4501, for the Construction of Removal of Architectural Barriers for the Disabled - Contract 39 and Related Costs; and \$46,220 from CDBG Fund No. 18532, Dept. No. 4111, Org. No. 1126, for the Walkway on Carmel Mountain Road and Related Costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserve, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

Community Development Block Grant Fund Nos. 18532 and 18533 provide for the design and construction of projects that remove architectural barriers. Pedestrian ramps are required because persons with disabilities and many senior citizens find their mobility restricted by curbs which are difficult to negotiate. This project will provide 140 pedestrian ramps. Sidewalk along Carmel Mountain Road between Stoney Creek Road and Freeport Road is required to provide continuous pedestrian and wheel chair access between two existing sidewalks.

Aud. Cert. 9800369.

FILE LOCATION: W.O. 112670 / CONT - Portillo Concrete
CONTFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: General Utility Easement Abandonment.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-541) ADOPTED AS RESOLUTION R-289469

Vacating the general utility easement located within
Lot 10, Hidden Valley Hills Unit No. 1, of Map-3921.

CITY MANAGER SUPPORTING INFORMATION:

The property owner has requested the general utility easement abandonment to unencumber their property and to better utilize their land. The general utility easement was originally granted to the City on June 30, 1958. The easement was acquired at no cost to the City and has never been used for the purpose intended.

Staff review of the general utility easement abandonment has indicated that the easement is no longer required and that the four findings for abandonment can be made. The general utility easement qualifies for summary proceedings and may be summarily vacated.

FINDINGS:

- 1) There is no present or prospective use for the general utility easement for which it was originally acquired or for any other use of a like nature.
- 2) The public will benefit from the vacation through improved utilization of the land.
- 3) The vacation is consistent with the approved Community Plan.
- 4) The public service easement system for which the general utility easement was originally acquired will not be detrimentally affected by this vacation.

FILE LOCATION: DEED F-7127 DEEDFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Two actions related to Mid-City Pipeline/Flow Metering Facility Site Acquisition Project.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-565) ADOPTED AS RESOLUTION R-289470

Authorizing the City Auditor and Comptroller to transfer the following funds into Fund No. 41500, CIP-73-246.0, Mid-City Pipeline for City in-house engineering and related property acquisition costs:

\$273,470 from CIP-73-277.0, Annual Allocation-Standpipes and Reservoirs; \$259,429 from CIP-73-843.8, Group 531B I-15 and 40th Street Phase II, and \$217,101 from CIP-75-910.4, Lead Service Replacement Group 510;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$275,000 from Fund No. 41500, CIP-73-246.0 (Mid-City Pipeline) for the purchase and related costs of acquiring Lots 17 and 18, Block 5 of La Mesa Colony Townsite from Amir Kabbai-Zadeh to be conveyed directly to the San Diego County Water Authority pursuant to the agreement between the San Diego County Water Authority and the City approved on September 9, 1996, pursuant to Resolution R-287801;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$475,000 from Fund 41500, CIP-73-246.0 (Mid-City Pipeline) for City in-house engineering and related property acquisition costs.

Subitem-B: (R-98-566) ADOPTED AS RESOLUTION R-289471

Certifying that the information contained in Environmental Impact Report LDR-94-0236, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in

connection with approval of the Mid-City Pipeline/Flow Metering Facility Site Acquisition Project; and adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Authorization of the expenditure will provide funding for City in-house engineering costs associated with project management and for the acquisition of a .3214 acre site for construction of a Flow Control Facility for the purpose of measuring water flow from the San Diego County Water Authority's (CWA). Second San Diego Aqueduct into the City's Mid-City Pipeline. The site for this CWA metering station (or flow control facility) is to be purchased by the City of San Diego, at the cost and expense of the City, pursuant to an agreement between the City of San Diego and the San Diego County Water Authority. The agreement further specifies that the CWA shall provide a permanent 93 cubic feet per second (cfs) capacity treated water connection near El Cajon Boulevard/70th Street from its Second San Diego Aqueduct.

The agreement, approved by the City Council on September 9, 1996, by Resolution Number R-287801, also specifies that the City shall reimburse CWA for its actual costs associated with the administration, design and construction of the metering station, inlet and discharge pipelines.

Aud. Cert. 9800557.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: First Addendum to the Improvement and Reimbursement of Costs Agreement for Carmel Valley Neighborhood No. 4 Elementary School and Park Joint Use Area.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-574 Cor.Copy) ADOPTED AS RESOLUTION R-289472

Authorizing a First Addendum to the Improvement and Reimbursement of Costs Agreement for Carmel Valley Neighborhood No. 4 Elementary School and Park Joint Use Area (the First Addendum) with the Del Mar Union School District;

Authorizing a budget increase of \$200,000 for CIP-29-628.0, Carmel Valley Neighborhood #4 Elementary School and Park Joint Use Area, increasing this agreement from \$1,800,000 to \$2,000,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from Fund No. 79002 to CIP-29-628.0, Carmel Valley Neighborhood Park--Neighborhood No. 4;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-29-628.0, Carmel Valley Neighborhood Park--Neighborhood No. 4, Facilities Benefit Assessment Fund No. 79002.

CITY MANAGER SUPPORTING INFORMATION:

The proposed First Amendment to Reimbursement Agreement with the Del Mar Union School District provides for a \$200,000 increase in the budget for design of the entire 11.9 acre Carmel Valley Neighborhood #4 Park and construction of the 5.6 acre joint use portion of the park, contiguous with the future Carmel Valley Neighborhood #4 Elementary School. The Reimbursement Agreement with the Del Mar Union School District (District) was approved by City Council on August 11, 1997, by Resolution R-289053. It provides for design of the entire 11.9 acre park and construction of the 5.6 acre joint use portion of the park by the District for an amount not to exceed \$1,800,000. The Preliminary Project Budget has been revised to reflect the cost estimate based on the project construction documents recently completed. The revised budget exceeds the approved \$1,800,000 Preliminary Project Budget by \$200,000. The Reimbursement Agreement obligates the City to pay for budget increases. Therefore, in order to complete the project and meet the City's obligation under the agreement, an additional \$200,000 is required.

Aud. Cert. 9800550.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Metro System Capacity Transfer of 0.04 Million Gallons per Day.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-570) ADOPTED AS RESOLUTION R-289473

Authorizing the following amendments to the Sewage Disposal Agreement of 1960 in connection with the transfer of Metro System sewer capacity:

1. An eighth amendment with the City of Chula Vista, for the City of Chula Vista to acquire an addition of 0.04 million gallons per day of sewer capacity from the City of National City;
2. A fourth amendment with the City of National City, for the City of National City to transfer 0.04 million gallons per day of sewer capacity to the City of Chula Vista.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has sewage disposal agreements with both the City of National City and the City of Chula Vista. In Section 22 of the agreements it is stated that, "The Participating Agency may acquire additional capacity service from another Participating Agency or transfer capacity service to another Participating Agency..." and that, "No capacity service shall be increased or decreased... unless the City shall first determine that said change will not unbalance the Metropolitan Sewage System to the detriment of the City or other Participating Agencies..." The City has determined that this transfer will not unbalance the system and approval of the transfer is recommended.

The respective capacity service charges for the two Participating Agencies will be increased or decreased to correspond with the

changed capacity service. On December 17, 1996, the City Council of the City of National City approved the sale of capacity to Chula Vista (Resolution R-96-187) and on December 17, 1996, the City Council of Chula Vista approved the purchase of capacity from National City (Resolution R-18535).

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Community Based Toilet Replacement Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-516 Cor. Copy) ADOPTED AS RESOLUTION R-289474

Authorizing the City Manager to continue the Community Based Toilet Replacement Program;

Authorizing an agreement with the San Diego County Water Authority to implement and administer the Community Based Toilet Replacement Program;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$72,500 from the Water Department Operating Fund (41500), Water Conservation Program (76253) for the sole and exclusive purpose of continuing the Community Based Toilet Replacement Program.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continued funding of the Community Based Toilet Replacement Program (Toilet Replacement Program) for the current Fiscal Year by entering into an agreement with the San Diego County Water Authority (CWA) to provide matching funds from the CWA and the Metropolitan Water District of Southern California (MWD) for 2,500 ultra-low flush toilets (ulft's). The program's funding percentages remain at 25 percent each for the

City and the CWA, and 50 percent for the MWD. In June of 1993, the City Council first approved the City's participation in the Toilet Replacement Program.

To date more than 16,700 ulft's have been distributed citywide to single-family owner occupied households meeting the low-income criteria established by the U.S. Department of Housing and Urban Development. For the sixth phase of the Toilet Replacement Program, the CWA has contracted with the Triple Crown Youth Coalition and the Center for Employment Training (CET) to operate field offices in the City. These two Community Based Organizations will hire local residents to work in the offices determining program eligibility, processing applications, canvassing neighborhoods to tell residents about the program, and collecting and recycling the old, higher volume toilets. The estimated water savings for the 2,500 ulft's is 110,000 gallons per day or 123 acre-feet per year. The City's cost to implement this program is \$28 per acre foot saved, compared to the \$429 per acre-foot the City currently pays for imported water.

Aud. Cert. 9800531.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-106: TRAILED TO TUESDAY, NOVEMBER 25, 1997, AT THE REQUEST OF THE CITY MANAGER

SUBJECT: Update on Negotiations with Brown Field Airport.

(See City Manager Report CMR-97-168. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:
(R-98-604)

Approving preliminarily for the purposes of preparing environmental analysis and feasibility study the deal point negotiated by the City Manager as stated in City Manager Report CMR-97-168; Acknowledging the concerns

expressed by the public and tenants at Brown Field Airport;

Authorizing the City Manager to enter into exclusive negotiations with Brown Field Aviation Park, LLC, to lease the property known as "Heritage West" located at the southwest corner of Otay Mesa Road and Heritage Road.

CITY MANAGER SUPPORTING INFORMATION:

On September 24, 1997 the Land Use and Housing Committee was updated on the negotiations with Brown Field Aviation Park (BFAP) on the major deal points for the Brown Field Development Project (City Manager's Report CMR-97-168). The Committee recommended approval of the preliminary key terms and conditions of the operating, ground lease and development agreements as outlined in the City Manager's Report in order to complete the feasibility study and environmental review. In addition, the Committee recommended exclusive negotiations with BFAP for the Heritage Road west parcel which is part of the airport, but is located off the airport property.

The Committee received a number of inquiries about the project and on Exhibit "D" to Manager's Report, staff has enumerated the questions and provided responses. All those making inquiry have received a copy of Exhibit "D". The City Manager has not formed an opinion of feasibility of the project but is awaiting an opinion from its aviation consultant, Leigh Fisher. Additionally, the City has engaged the services of outside legal counsel. Staff anticipates making continued reports to LU&H Committee on the status of the project. It is anticipated that the BFAP Project will be before the City Council for its consideration in August 1998.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A248-279.)

ITEM-107: TRAILED TO TUESDAY, NOVEMBER 25, 1997, AT THE REQUEST OF THE CITY MANAGER

SUBJECT: Preliminary Application for Participation in the Federal Aviation Administration's Pilot Privatization Project for Brown Field Airport.

(See City Manager Report CMR-97-209. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-603)

Authorizing the City Manager to submit a preliminary application to participate in the Federal Aviation Administration's Pilot Privatization Project for Brown Field Airport.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A248-279.)

* ITEM-108:

SUBJECT: Appointments and Reappointments to the Commission on the Status of Women.

(See memorandum from Mayor Golding dated 11/10/97 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-578) ADOPTED AS RESOLUTION R-289475

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Commission on the Status of Women for terms ending as indicated:

Reappointments	Term Ending
Mary B. Maschal	March 1, 1998
Kathleen B. Jones	March 1, 1998
Ashley E. Phillips	March 1, 1999
Christina Chiriboga	March 1, 1999

Appointments

Jacqueline Sherman-Rustin (Replacing Starla Lewis, whose term has expired)	March 1, 1998
Patricia L. Roscoe (Replacing Yolanda A. Mendoza, whose term has expired)	March 1, 1998

Joanne M. Pastula
(Replacing C.R. Wormsby,
whose term has expired) March 1, 1998

Dr. Kimberly Y.K. Yeager
(Replacing Teri Thomas,
whose term has expired) March 1, 1999

M. Leslie Hovey
(Replacing Alison L. Fisher,
whose term has expired) March 1, 1999

Vonia Ross
(Replacing Sonya Kay Porth,
whose term has expired) March 1, 1999

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Appointment to the La Jolla Shores Planned District
Advisory Board.

(See memorandums from Mayor Golding dated 11/4/97, with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-579) ADOPTED AS RESOLUTION R-289476

Council confirmation of the appointment by the Mayor of
John Hucko to serve as a member of the La Jolla Shores
Planned District Advisory Board, for a term ending
April 1, 1998, to replace Dale Fitzmorris Steele, whose
term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Excusing Deputy Mayor Warden from PS&NS Committee Meeting of 11/19/97.

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-580) ADOPTED AS RESOLUTION R-289477

Excusing Deputy Mayor Warden from attending the regularly scheduled Public Safety and Neighborhood Services Committee meeting of November 19, 1997, due to her attendance at the California Criminal Justice Council in Sacramento.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Honoring Edward J. Struiksma.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-582) ADOPTED AS RESOLUTION R-289478

Recognizing Edward J. Struiksma for his visionary leadership and dedication to enhancing the transportation system for the San Diego Region.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Agreement with the County Department of Animal Control for Animal Control Services.

(See City Manager Report CMR-97-206.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-547) ADOPTED AS RESOLUTION R-289479

Authorizing an agreement with the County Department of Animal Control (DAC), for animal control services, for the period of July 1, 1997 through March 31, 1998;

Authorizing the expenditure of not to exceed \$1,424,277 from General Fund 100, to be adjusted for actual expenditures and revenues after the close of the contract period.

Aud. Cert. 9800542.

FILE LOCATION: PURCHASE CONTFY98-1

COUNCIL ACTION: (Tape location: A280-635; B025-161.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION APPROVING THE CONTRACT THROUGH MARCH. RETURN TO COUNCIL IN FEBRUARY WITH THE FINAL RECOMMENDATIONS OF THE SELECT COMMITTEE. REFER THE QUESTION OF THE POLICE DEPARTMENT BEING IN CHARGE OF ADMINISTERING THE CONTRACT FOR THE ANIMAL CONTROL TO THE CITY MANAGER. THE CITY MANAGER IS REQUESTED TO REPORT BACK TO COUNCIL MEMBER VARGAS WITH HIS FINDINGS. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO RECONSIDER THE ITEM TO ALLOW FOR PUBLIC COMMENT. Second by Warden. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO ADOPT THE RESOLUTION APPROVING THE CONTRACT THROUGH MARCH. IN THE INTERIM THE SELECT COMMITTEE IS TO REVIEW THE FOLLOWING RECOMMENDATIONS PROPOSED BY THE PUBLIC:

1. DISTRIBUTE FLYERS IN SEVERAL LANGUAGES THAT ARE DEDICATED TO THE IMPORTANCE OF SPAY/NEUTER.
2. INCLUDE INFORMATION ON THE ANIMAL CONTROL PHONE MESSAGE REGARDING SPAY AND NEUTER. IT SHOULD BE ONE OF THE PRIMARY ITEMS ON THE PHONE MESSAGE, INFORMING THE PUBLIC HOW THEY CAN ARRANGE TO HAVE LOW-COST SPAY/NEUTER IN THEIR COMMUNITY.
3. ANIMALS SHOULD NEVER LEAVE THE SHELTER UNALTERED WHICH ONLY ADDS TO THE PROBLEM OF OVER-POPULATION. A PORTION OF THE FUNDS ALLOCATED TO MAKE A FANCIER ADOPTION CENTER COULD GO TOWARDS HIRING MORE VETERINARIANS WHO COULD DO THE SPAY AND NEUTER. THE EMPHASIS NEEDS TO BE AWAY FROM ADOPTION AND MORE ON PREVENTION OF OVER-POPULATION.
4. DOGS THAT ARE PICKED UP AND TAKEN INTO THE SHELTER ARE RELINQUISHED TO THEIR OWNERS UNALTERED. IT TAKES THREE STRIKES BEFORE ANIMALS CAN BE ALTERED BEFORE BEING RETURNED TO THEIR OWNER. CONSIDER DOING IT AFTER THE FIRST STRIKE.
5. THE FUNDS BEING SPENT ON THIS ISSUE IS ENORMOUS AND DOES NOT INCLUDE ANIMAL CONTROL REVENUES OR A LARGE NUMBER OF UNCLAIMED SPAY AND NEUTER DEPOSITS.
6. FIFTY TO ONE HUNDRED COMMUNITIES ACROSS THE UNITED STATES HAVE VERY AGGRESSIVE SPAY/NEUTER PROGRAMS; MANY OF WHICH WERE STARTED BY THE EMPLOYEES OF THE SHELTER THEMSELVES. CONSIDER RESEARCHING THE SAN FRANCISCO COMMUNITY WHO SPLIT THE HUMANE SOCIETY FROM THE ANIMAL CONTROL SERVICES AND THEN OFFERED SPAY/NEUTER SERVICES FOR FREE OR AT LOW-COST.
7. REVIEW MANDATED VERSUS DISCRETIONARY PROGRAMS AND EXPLAIN WHY WE ARE SPENDING A MILLION DOLLARS ON DISCRETIONARY PROGRAMS.

RETURN TO COUNCIL IN FEBRUARY WITH THE FINAL RECOMMENDATIONS OF THE SELECT COMMITTEE.

REFER THE QUESTION OF THE POLICE DEPARTMENT BEING IN CHARGE OF ADMINISTERING THE CONTRACT FOR THE ANIMAL CONTROL TO THE CITY MANAGER. THE CITY MANAGER IS REQUESTED TO REPORT BACK TO COUNCIL MEMBER VARGAS WITH HIS FINDINGS.

Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: 1997/98 Winter Shelter Program.

(See City Manager Report CMR-97-210.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-572) ADOPTED AS RESOLUTION R-289480

Accepting the City Manager's findings that there do not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego;

Declaring in accordance with Government Code Section 8690 et seq. that a shelter emergency exists within the City of San Diego;

Declaring that the sheltering program outlined in City Manager Report CMR-97-210, constitutes in part the City's response addressing the declared sheltered emergency;

Authorizing the City Manager to negotiate and execute agreements and leases, including the acquisition through sole source of "Sprung Structures" associated with implementing the 1997/98 Winter Shelter Program;

Authorizing the City Auditor to accept contributions and disperse funds that have been committed to the 1997/98 Winter Shelter Program or which may be contributed to the City and designated for the 1997/98 Winter Shelter Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B004-024; B162-C505.)

MOTION BY WEAR TO ADOPT THE RESOLUTION, APPROVING THE CITY MANAGER'S RECOMMENDATIONS AND TO GIVE HIM THE AUTHORITY TO NEGOTIATE FINAL SITE DETAILS. ACCEPT COUNCIL MEMBER VARGAS' RECOMMENDATION TO REFER THE ISSUE OF KEEPING THE AREA CLEAN AROUND THE PARTICULAR SITES TO THE CITY MANAGER. THE CITY MANAGER IS REQUESTED TO ACCOMPLISH THIS GOAL IN THE BEST WAY POSSIBLE AND TO CONSIDER POSSIBLY CONTRACTING WITH THE HOMELESS THEMSELVES THROUGHOUT THE PROJECT OR MAKING THE CLEANUP PART OF THE PROVIDER CONTRACT RATHER THAN A SEPARATE CONTRACT. ACCEPT MAYOR GOLDING'S REQUEST THAT STAFF RETURN TO COUNCIL IN APRIL OR MAY WITH THEIR ASSESSMENT OF THE RESULTS OF THE PROGRAM. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

(Continued from the meeting of November 18, 1997, Item 121, at Councilmember Warden's request, so that the principals can be in attendance.)

SUBJECT: Sabre Springs Neighborhood Park No. 2 Donation.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-546) ADOPTED AS RESOLUTION R-289481

Approving the acceptance by the City Manager of the grant deed of Pardee Construction Company granting to the City the donation of a park site identified as Sabre Springs Neighborhood Park No. 2.

CITY MANAGER SUPPORTING INFORMATION:

The Public Facilities Financing Plan and Facilities Benefit Assessment for Sabre Springs Community identified the acquisition of a five-acre site identified as Neighborhood Park No. 2. Pardee Construction Company has generously volunteered to donate this site to the community and City of San Diego.

FILE LOCATION: DEED F-7124 DEEDFY98-1

COUNCIL ACTION: (Tape location: A248-279.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401:

SUBJECT: Amending the San Diego Municipal Code relating to Referendum Provisions.

(See City Clerk Report CC-97-03 Rev.)

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-97-128 REV.1) INTRODUCED AND ADOPTED AS AMENDED
AS ORDINANCE O-18441 (New Series)

Introduction and adoption of an Ordinance amending and renumbering Chapter II, Article 7, Division 26 of the San Diego Municipal Code relating to Referendum Provisions of the City's Elections Code by eliminating provisions for supplemental petitions; clarifying voter signature requirements and format of the petition to facilitate the verification process; clarifying several steps in the process; eliminating the requirement that the circulator affidavit be notarized; and making certain housekeeping amendments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C506-D498.)

MOTION BY WARDEN TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS S401 AND S402, WITH THE FOLLOWING AMENDMENTS:

1. AMENDMENT TO PETITION FORMAT (A) TO BOTH THE REFERENDUM AND RECALL ORDINANCES

To not eliminate reference to the date of signing the petition.

2. AMENDMENT TO PROCESS CHANGES (B)

To remove the language that provides the option for Council to consider the matter at a special meeting.

3. AMENDMENT TO PROCESS CHANGES (E)

Change: Clarify that a Special Election must take place within eleven (11) months of the time the Council adopts the Resolution of Intention.

To: Clarify that a Special Election must take place within eleven (11) months of the time the Council adopts the Resolution of Intention, and can take place at the next regularly scheduled election.

Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-not present, Mayor
Golding-yea.

ITEM-S402:

SUBJECT: Amending the San Diego Municipal Code relating to
Recall Elections.

(See City Clerk Report CC-97-04.)

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-97-114 REV.1) INTRODUCED AND ADOPTED AS AMENDED
AS ORDINANCE O-18442 (New Series)

Introduction and adoption of an Ordinance amending
Chapter II, Article 7, Division 27 of the San Diego
Municipal Code by amending Sections 27.2711, 27.2712
and 27.2714, of the City's Elections Code pertaining to
Recall Elections.

CITY CLERK SUPPORTING INFORMATION:

The proposed amendments to Section 27.2711 and 27.2714 clarify voter signature requirements and format of the petition to facilitate the verification process. The proposed amendment to Section 27.2712 eliminates the requirement that the circulator affidavit be notarized. It provides instead that the circulator

shall sign under penalty of perjury. This parallels Initiative provisions of the Municipal Code and State Law.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C506-D498.)

MOTION BY WARDEN TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEMS S401 AND S402, WITH THE FOLLOWING AMENDMENTS:

1. AMENDMENT TO PETITION FORMAT (A) TO BOTH THE REFERENDUM AND RECALL ORDINANCES

To not eliminate reference to the date of signing the petition.

2. AMENDMENT TO PROCESS CHANGES (B)

To remove the language that provides the option for Council to consider the matter at a special meeting.

3. AMENDMENT TO PROCESS CHANGES (E)

Change: Clarify that a Special Election must take place within eleven (11) months of the time the Council adopts the Resolution of Intention.

To: Clarify that a Special Election must take place within eleven (11) months of the time the Council adopts the Resolution of Intention, and can take place at the next regularly scheduled election.

Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:58 p.m.

in honor of the memory of John Francis Killea, as
requested by City Clerk Charles G. Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D499-511.)